



*United States Attorney
Southern District of New York*

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September 19, 2016

BY HAND AND ECF

The Honorable Deborah A. Batts
United States District Court
United States Courthouse
500 Pearl Street, Room 2510
New York, New York 10007

Re: United States v. Bristol, 10 Cr. 1239 (DAB)

Dear Judge Batts:

The Government respectfully submits this letter in response to the letter motion dated September 8, 2016, submitted by Jeffrey Chubak, counsel to Annalou Leibovitz and other defendants in connection with a matter pending in Bankruptcy Court.

Mr. Chubak asked Your Honor to order the United States Probation Office for the Southern District of New York and Enid Febus, a supervisory United States Probation Officer, to disclose the last known address of Jonathan Bristol so that counsel may serve Mr. Bristol with a subpoena related to the bankruptcy proceeding. Mr. Bristol pleaded guilty to conspiracy to commit money laundering on May 2, 2011, and was ultimately sentenced to time served and three years of supervised release. Mr. Bristol's supervision expired as scheduled on December 17, 2015, and he remains subject to a restitution order. Though the United States Attorney's Office does not maintain the records that Mr. Chubak seeks, the Government respectfully notes that the request is unusual and contrary to the policy that Probation Office records are generally confidential.

The Privacy Act of 1974 and related federal regulations restrict the disclosure of supervision records. The Act provides that "[n]o agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains," subject to twelve exceptions, none of which are relevant here. 5 U.S.C. § 552a(b).

The Government spoke to Probation Officer Febus, who reiterated that Probation files belong to the courts and cannot be disclosed to unrelated parties unless a court so orders. Particularly where, as here, there are numerous other avenues for counsel to obtain the information

he seeks, the Government respectfully submits that the balance of equities weighs against ordering the Probation Office to disclose Mr. Bristol's last known address to a third party.

Very truly yours,

PREET BHARARA
United States Attorney

by:



Jacob Warren
Assistant United States Attorney
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cc: Probation Officer Enid Febus (by email)